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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,968	11/13/2003	Peter W. Barthelmess	52781-0014	6771

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EXAMINER

VO, TUYET THI

ART UNIT PAPER NUMBER

2821

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,968

Applicant(s)

BARTHELMESS, PETER W.

Examiner

Tuyet Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-22 and 24-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-22 and 24-45 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

Amendment filed April 01, 2005 has not been persuasive due to a new ground rejection provided in below.

Claim Objections

1. Claims 1 and 21 are objected to because of the following informalities: the light display power box as recited in claims 1 and 21 does not include a transmitter. The display power box 100 contains a number of elements such as light string sockets, a sensing unit and a control power unit (205, 201) but not the transmitter (300) and there is no place in the specification and drawing supporting that the light display box 100 including a transmitter 300. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1, 3-19, 21, 22 and 24-45 are rejected under 35 U.S.C. 102(e) as anticipated by Segan et al. (US Pub. 2004/0075401) hereinafter Segan or, in the alternative, under 35 U.S.C. 103(a) as obvious over Allen (US Pub. 2004/0046510).

Regarding claims 1, 3, 4, 12-15, 21, 22, 28, 29, 33-37 and 45, Segan discloses an apparatus for energizing a light display (Figs. 1 and 5-7), comprising:

a light display power box (100) includes:

- six outlets (21-26) adapted to receive string light sources (Fig. 6),
- a sensor/transceiver unit (110) adapted to receive wireless command signals generated from a personal digital device (PDA, 120), and

- electronic circuitry (Fig. 1) including a microprocessor (10) programmed to receive, process and use the command signals to cause the string lights display in a pattern manner ([0007], [0008], [0024]; and

a transmitter (a remote/wireless control such as PDA 120) for generating command signals ([0042]), wherein the transmitter (120) comprising buttons ([0010]) for communicating/transmitting command signals which is inherently guided through a window for directing to the transceiver (110) on the light display power box (100), wherein

an AC power plug (12) and on/off switch (51) adapted to connect to an AC power source (Fig. 2) and converting the AC power source into a DC power source (48) for powering the light display power box.

The limitation dictates a particular outlet adapted to different string light sources, such as clear or color, does not in any way alter or further limit the claimed invention. As such, given the identical structure found in Segan, it is inherently desirable to adapt any string light sources with different color into the 6 outlets of Segan's system, including adapting the clear color light string mounted on at least one outlet as described by claim 1. For supporting more option provided to users, Allen teaches a number of light strings can be adapted in different configurations with different color for experiencing the luxury/different feelings when the light sources illuminate/blinks gradually with different color in a pattern or in a random manner ([0019], [0028]). Materializing user's own tastes of mixing color of the light source is inherently desirable to one ordinary skill in the art.

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Regarding claims 16-19 and 30-32, Segan further teaches the sensor/transceiver unit (110) inherently utilizing infrared communication ([0042]) with the transmitter (120) at a radio frequency at a desired location for the best communication between the transceiver and the transmitter.

Regarding claims 5-11, 24-27 and 38-44, Segan also discloses a number of patterns being programmed and displayed via command signals that indicates via combination of the number shown in Figure 4, in that the numbers 06 and 07 control the light in fading On/Off in random or in sequence manner and the numbers 03 and 16 also provide a number of display patterns such as slow/fast flashing/blinking in random/sequence manner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segan in view of McDonald (US Pub. 2004/0184354).

Segan discloses substantially the claim invention as noted above except for the transmitter generated a communicating signal in the infrared radio frequency between 200 MHz to 400 MHz for communication.

McDonald discloses a wireless communication system utilizing a transmitter to generate an infrared signal at radio frequency of 260 MHz for wireless communication ([0021], [0022]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a certain radio frequency range as taught by McDonald into the Segan lighting system in order to achieve a clean frequency for quality communication due to low interference.

Citation of pertinent prior art

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6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Gray et al. (US Pat. 5,629,587) discloses programmable lighting control system for controlling illumination duration and intensity levels of lamps in multiple lighting strings.

Sugihara et al. (US Pub. 2005/0013139) discloses an illumination device.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Tuyet Vo

Primary Examiner

June 12, 2005